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Group Art Unit: 3643
Docket No.: 117P1846US01

Interview Summary

A telephone interview occurred on November 1, 2005 between the Examiner and Robin A. Sannes, representative for the Applicants. Applicants would like to thank the Examiner for the courtesies extended during the interview. No exhibits were shown and no demonstrations were conducted. The Examiner and Ms. Sannes discussed proposed amendments to the claims, as amended herein, and U.S. Patent 6,016,623 to Celestine.

An agreement was made between the Examiner and Ms. Sannes that the rejections under 35 U.S.C. 102(b) were overcome by the proposed amendments to the claims since Celestine does not disclose an area of confinement as claimed, but the Examiner stated that the proposed amendments to the claims would have to be formally filed in order to consider the rejections under 35 U.S.C. 103(a).

Remarks

Claims 1-51 are pending in this patent application. Claims 1-48 have been rejected, and claims 49-51 have been withdrawn from consideration.

As a preliminary matter, Applicants would like to clarify that an appeal to the Board of Patent Appeals and Interferences has not been filed. The Request for Continued Examination was filed in reply to the Advisory Action mailed May 10, 2005 so that the Amendment After Final filed on April 22, 2005 would be entered and considered.

With regard to the rejections under 35 U.S.C. 102(b), as discussed in the telephone interview, these rejections have been overcome by the proposed amendments, which are reflected in the claims as amended herein, since Celestine does not disclose an area of confinement as claimed.

With regard to the rejections under 35 U.S.C. 103(a), it is respectfully submitted that Celestine neither teaches nor suggests the claimed invention. Generally, the claims as amended recite an area of confinement in which the rodent is trapped to prevent escape of the rodent from

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the cavity. In Celestine, once the rodent has gone through the trap assembly's door 30 and into the cavity of the housing's lower portion, the removable insert receptacle 40 is required to keep the rodent in the cavity because the lower portion includes an insertion opening 18 into which the removable insert receptacle 40 is inserted and removed from the housing. Without the removable insert receptacle 40, the rodent can escape through the insertion opening 18. The removable insert receptacle 40 is not an optional feature as it is required for the rodent trap to function properly. It is the removable insert receptacle 40 that contains the rodent and prevents escape of the rodent, not the rodent trap as recited in the claims of the present invention. If the housing's lower portion of Celestine formed an area of confinement as claimed, it would destroy the intended function of the rodent trap because there would no longer be an easy way to dispose of the rodent as is the case with the removable insert receptacle slid into and out of the cavity through the insertion opening.

More specifically, with regard to claim 1, the wall portion, the floor portion, the front portion, the top portion, the sides, and the trap assembly form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. In Celestine, its corresponding components do not form an area of confinement because the insertion opening 18 provides an exit for the rodent thereby allowing escape of the rodent. A removable insert receptacle 40 is required in Celestine for the trap assembly to function properly. Therefore, Celestine neither teaches nor suggests an area of confinement as recited in claim 1.

Claim 4 has been amended for consistency with claim 1 from which it depends.

With regard to claim 8, the base, the cover, and the trap assembly form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. Again, Celestine does not teach or suggest an area of confinement as the insertion opening 18 allows for escape of the rodent.

With regard to claim 12, the housing and the trap assembly form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. Again, Celestine does not teach or suggest an area of confinement as the insertion opening 18 allows for escape of the rodent.

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Claim 16 has been amended for consistency with claim 12 from which it depends.

With regard to claim 18, the base, the trap assembly, and the housing form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. Again, Celestine does not teach or suggest an area of confinement as the insertion opening 18 allows for escape of the rodent.

With regard to claim 23, the cover, the base, and the trap assembly form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. Again, Celestine does not teach or suggest an area of confinement as the insertion opening 18 allows for escape of the rodent.

With regard to claim 29, the wall portion, the floor portion, the front portion, the top, the platform, the climbing assisting members, and the trap assembly form an area of confinement in which the rodent is trapped thereby preventing escape of the rodent from the cavity. Again, Celestine does not teach or suggest an area of confinement as the insertion opening 18 allows for escape of the rodent.

With regard to claim 37, the wall portion, the floor portion, the elevated platform, the cover, the climbing assisting members, and the trap assembly form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. Again, Celestine does not teach or suggest an area of confinement as the insertion opening 18 allows for escape of the rodent.

With regard to claim 43, the housing, the elevated trap assembly, and the climbing assisting members form an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. Again, Celestine does not teach or suggest an area of confinement as the insertion opening 18 allows for escape of the rodent.

The claims as amended recite an area of confinement in which the rodent is trapped to prevent escape of the rodent from the cavity. Celestine does not include an area of confinement as recited in the claims. Rather, Celestine requires the removable insert receptacle 40 to prevent escape of the rodent from the cavity because the removable insert receptacle 40 prevents the rodent from leaving through the insertion opening 18.

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As stated in the Office Action, Celestine does not contemplate using the rodent trap without the removable insert receptacle. There is no teaching or suggestion to have an area of confinement without the removable insert receptacle 40 as claimed. Therefore, the claims are not obvious in view of this reference.

Favorable consideration of this Amendment is respectfully requested. Should the Examiner wish to discuss this matter, the Examiner is welcome to contact the under-signed representative for the Applicants.

Respectfully submitted,
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